

WISHA REGIONAL DIRECTIVE

WISHA Services

Department of Labor and Industries

5.92 Head Protection & ATVs (All-Terrain Vehicles) Date Issued: March 20, 2002

I. Background

All-terrain vehicles (ATVs) and motorcycles can be an efficient and economical substitute for pick-up trucks, horses, tractors and even walking in many agricultural and industrial operations and therefore can be found on all types of farms, ranches, groves, forestry operations, nurseries, greenhouses and other operations.

Like any vehicle, ATVs and motorcycles can be dangerous. The hazards of motorcycle operation are well known. In relation to ATVs, the Consumer Product Safety Commission reports that an estimated 90,000 individuals are treated for injuries in hospital emergency rooms every year, nearly 10,000 are hospitalized, and more than 120 deaths are recorded. Nearly fifty percent of ATV injuries and fatalities involve young people under the age of 16. Twenty percent of the fatalities involve children under 12 years of age. A recent study indicated that 16.4 percent of all ATV accidents occur on farms, resulting in more than 20 farm fatalities annually.

There are no WISHA requirements specific to motorcycles or ATVs. There are, however, general standards that require head protection when engaged in activities on the job where a significant potential for head injury exists.

WAC 296-800-16055 requires employers to “make sure...employees use appropriate head protection” in situations “where employees are exposed to hazards that could cause a head injury.” A similar requirement for agriculture employers can be found in WAC 296-307-10005(1). Head protection is also addressed in many other industry-specific standards, such as WAC 155-200(1)(a).

II. Scope and Application:

This WISHA Regional Directive (WRD) applies to all WISHA enforcement and consultation activities involving the requirements of WAC 296-800-16055, WAC 296-307-10005(1) or similar requirements as they relate to head protection for employees operating motorcycles and ATV's. It adopts the substances of WISHA Interim Interpretive Memorandum 99-4-B, which it replaces.

III. Application Guidance

What head protection requirements apply when employees operate motorcycles or ATVs as part of their job duties?

The requirement to wear head protection in each of the applicable WISHA standards is triggered by the presence of a risk of head injury. One way such a risk can be recognized is in the guidance provided by equipment manufacturers and distributors.

Motorcycle and ATV manufacturers consistently recommend the use of appropriate head protection. These manufacturer's recommendations and the general requirements for personal protective equipment together establish an obligation for employers to ensure appropriate helmets are provided and used.

(for the purposes of this policy, motorcycles are two-wheeled vehicles with an internal combustion engine where the riders straddle the vehicle; ATVs typically have either three or four wheels – more on some models – with an internal combustion engine; vehicles such as lawn tractors, golf carts, and vehicles without engines such as bicycles are not addressed by this policy).

III. WISHA Enforcement Protocols

A. How are WISHA staff expected to evaluate a situation if appropriate head protection is being used while employees operate ATVs or motorcycles?

If an employer provides appropriate head protection *and* ensures that it is used, WISHA staff must not issue a violation on that issue.

Note: Appropriate head protection refers to head protection approved for the use in question by the United States Department of Transportation (DOT), the American National Standards Institute (ANSI Z90.1), or the Snell Memorial Foundation)

B. How are WISHA staff expected to evaluate a situation if head protection is not being used while employees operate ATVs or motorcycles?

If an employer does not provide approved head protection or does not ensure that it is used, WISHA staff must issue a violation *only* if the following three conditions are met:

- the specific manufacturer's recommendations support use of PPE in the situation in question;
- a meaningful hazard has been clearly documented based on the use in question;
and
- the hazard is not mitigated by other means (mechanical speed controls, strict limitations on location and nature of use, etc.).

If the employee operating the vehicle is not familiar with the owner's manual and the operator's procedures described in it (with special attention given to any applicable warnings), this lack of awareness should be given appropriate consideration, making it much more likely that a violation will be issued.

C. How should decisions whether to cite be described and documented?

- a. In cases where a violation is issued, the inspector should reference the manufacturer's recommendations, as documented by the owner's manual and any warning decals on the machine itself.
- b. In cases where no violation is issued because a failure to follow manufacturer's recommendations has not been documented, the employer should be advised that the decision in this case does not indicate that a violation will not be issued in the future based on manufacturer's recommendations.
- c. In cases where no violation is issued because the inspector is convinced that the employer has fully eliminated the hazard through alternative head protection or other measures, the citation should include a message advising the employer that in other circumstances a violation might be issued if approved head protection is not being provided and used.
- d. In any case, WISHA staff must not advise an employer that approved helmets are not necessary when operating an ATV or motorcycle.

Approved: _____

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For further information about this or other WISHA Regional Directives, you may contact WISHA Policy & Technical Services at P.O. Box 44648, Olympia, WA 98504-4648 -- or by telephone at (360)902-5503. You also may review policy information on the WISHA Website (<http://www.wa.gov/lni/wisha>).